

## REMARKS

Claims 1-23 are currently pending in this application. As indicated above, Claims 4, 5, 11, 12, 15, 19, and 20 have been amended.

In the Office Action, Claims 1, 4, 8, 11, 16, and 19 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0076793 to *Gao*, Claims 2, 3, 5, 9, 10, 12, 17, and 18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Gao* in view of U.S. Patent Application No. 2003/0169729 to *Bienn et al.*, Claims 6, 7, 15, and 23 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Gao* in view of *Yallapradaga et al.* ("Increments in Voice Capacity and Impact on Voice Quality with New Vocoders in GSM and CDMA Systems"), Claims 14 and 22 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Gao* in view of U.S. Patent Application No. 2002/0101839 to *Farley et al.*, and Claims 4, 11, and 19 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Additionally, Figure 1 and Claims 5, 12, 15, and 20 have been objected to for minor informalities.

Regarding the objection of Figure 1, the Examiner requests that this figure should be labeled as "Prior Art". Accordingly, as indicated above, enclosed herein is a Replacement Figure 1, which has been amended to include the label of "Prior Art".

Regarding the objection to Claims 5, 12, and 20, the Examiner takes issue with the term "covert" asserting that the word should read as "convert". Accordingly, Claims 5, 12, and 20 have been amended, replacing the word "covert" to "convert".

Regarding the objection to Claim 15, the Examiner believes that this claim should actually depend from independent Claim 8. As indicated above, Claim 15 has been amended

to depend from Claim 8.

Based on the amendments to Figure 1 and Claims 5, 12, 15, and 20, it is respectfully requested that the objections be withdrawn.

Regarding the rejection of Claims 4, 11, and 19 under 35 U.S.C. 112, second paragraph, as being indefinite, the Examiner asserts that the phrase “which is previously determined” is indefinite as it is not clear as to what, i.e., the time or whether to perform mode conversion, is previously determined. As indicated above, Claims 4, 11, and 19 have been amended to replace this allegedly indefinite phrase with “wherein the time is previously determined”. It is respectfully submitted that this amendment clarifies the scope of the claims, and it is respectfully requested that the rejection be withdrawn.

As indicated above, the Examiner has rejected independent Claims 1, 8, and 16 under 35 U.S.C. 102(e) as being anticipated by *Gao*. More specifically, the Examiner asserts that *Gao* teaches all the recited features of the claims. However, it is respectfully submitted that the Examiner is incorrect.

The present invention is directed to an apparatus and a method for controlling conversion of a vocoder mode in a mobile communication system in order to change a transmission rate when transmitting voice data. Referring to page 7 of the present application, the specification recites five functions to be performed during transmission of voice information between the media gateway and the base station controller. The fifth function (page 7, line 25) is a function of controlling a transmission rate of voice data transmitted from the media gateway, at a specific time, so as to multiplex a signal message and additional data generated in the base station controller through a DB (Dim and Burst) scheme or a BB (Blank and Burst) scheme, and to transmit the multiplexed data to a mobile

station. Accordingly, this fifth function is similar to *Gao*.

However, the fourth function is a function of controlling a vocoder transmission for converting a transmission rate and a transmission mode of a vocoder included in the media gateway in match with a converted transmission rate and a converted transmission mode of a vocoder used in a mobile station. As pointed out above, the present invention, i.e., independent Claims 1, 8, and 16, correspond to the fourth function, which is not taught in *Gao*.

More specifically, independent Claim 1 recites “determining whether or not it is necessary to convert the mode of the voice signal.” The Examiner asserts that “determining whether or not signaling information exists” of *Gao* is the same as “determining whether or not it is necessary to convert the mode of the voice signal” of Claim 1. However, the process of *Gao* determines if there is control information to be transmitted to a mobile station, whereas Claim 1 recites determining whether or not mode conversion for the mobile station is required. Therefore, it is respectfully submitted that the process cited by the Examiner in *Gao* and the first step of Claim 1 are quite different from each other, and that this recitation of Claim 1 is not taught in *Gao*.

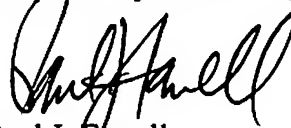
Further, the Examiner asserts that the “mode conversion request” of “transmitting a mode conversion request message if it is necessary to convert the mode of the voice signal” in Claim 1, is the same as the “control message” of *Gao*. However, “control message” of *Gao* is a control signal for inserting a control signal into a voice frame for transmission but the “mode conversion request” of Claim 1 is a control message for converting a mode of a voice frame to be transmitted. Therefore, it is respectfully submitted that the “mode conversion request” of Claim 1 is patentably distinct from the “control message” of *Gao*.

Independent Claims 8 and 16 also contain similar recitations as described in Claim 1 above. Accordingly, it is respectfully submitted that these claims are also allowable for at least the above reasons.

While not conceding the patentability of the dependent claims, *per se*, Claims 2-7, 9-15, and 17-23 are also allowable for at least the above reasons.

Accordingly, all of the claims pending in the Application, namely, Claims 1-23, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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